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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
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10/623,600

07/22/2003

Francesco Piccone

60311-2

5834

79144

7590

02/23/2009

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EXAMINER

SAFAVI, MICHAEL

ART UNIT

PAPER NUMBER

3637

MAIL DATE

DELIVERY MODE

02/23/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |   |  |
|------------------------------|--------------------------------------|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/623,600 | <b>Applicant(s)</b><br>PICCONE, FRANCESCO |  |
|                              | <b>Examiner</b><br>Michael Safavi    | <b>Art Unit</b><br>3637                   |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 11-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/28/08</u> .  | 6) <input type="checkbox"/> Other: _____                          |

***Information Disclosure Statement***

The information disclosure statement filed November 28, 2008 fails to comply fully with 37 CFR 1.98(a)(2) and 37 CFR 1.98(b)(5), which requires a legible copy of each cited non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed as well as identification by publisher, author (if any), title, relevant pages of the publication, date, and place of publication of each listed publication, (non-patent literature). It has been placed in the application file, but the information referred to therein, with respect to the non-patent literature documents listing on the first, fourth and fifth lines under Non Patent Literature Documents, has not been considered.

The IDS of November 28, 2008 appears to list five Non Patent Literature documents when copies of only four Non Patent Literature documents have been submitted. Two of the submitted copies can be identified with the examiner having initialed the appropriate line upon which the two identifiable copies are listed. However, two of the submitted copies cannot be identified as neither of the remaining two submitted copies of Non Patent Literature appear to correspond to the identification of items listed on the first, fourth and fifth lines under Non Patent Literature Documents. Further, a listing of "home page" or "Brochure" would not appear as appropriate identification of a Non Patent Literature Document.

***Claim Rejections - 35 USC § 112***

Claims 1-7 and 11-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, lines 8-9, “the co-operative interconnection of connector means” lacks antecedent basis within the claim. It is therefore, not clear as to what is being defined by “the co-operative interconnection of connector means”.

Claim 2, line 2, to what does “support panel connector means” refer? Would this be the same as the “support panel connector means” recited within line 10 of claim 1?

Claim 3, line 2, to what does “support panel connector means” refer? Would this be the same as the “support panel connector means” recited within line 10 of claim 1?

Claim 4, lines 2-2, “each of the plurality of elongate support panel” lacks antecedent basis within the claim. It is therefore, not clear as to what is being defined by “each of the plurality of elongate support panel”.

Claim 6, it is not clear as to what is being defined by “at least one tensioning panel and interconnected with at least one wall panel and at least one support panel”. Perhaps, the first occurrence of “and” in line 2 of claim 6 should be deleted?

Claim 11, lines 8-9, “the co-operative interconnection of connector means” lacks antecedent basis within the claim. It is therefore, not clear as to what is being defined by “the co-operative interconnection of connector means”.

Claim 12, line 2, it is not clear as to what “wall interconnection means” serves to define. Are the “wall interconnection means” recited at line 2 of claim 12 the same as the “wall interconnection means” introduced at lines 4-5 of claim 1?

Claim 13, line 4, to what does “support interconnection means” refer? The “support interconnection means” does not appear to have antecedent basis within the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-7, 11, 13, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Piccone ‘648.** Piccone discloses, Fig. 1, a plurality of elongate vertically-extending wall panels 12 interconnected in edge-to-edge relationship *via* suitably configured elongate wall interconnection means 78, 112 along their longitudinal edges to define an outer perimeter wall of formwork assembly; and, a plurality of inner support panels 14, 23 disposed within the wall and associated with the wall panels at

selected suitable intervals *via* the co-operative interconnection of connector means provided along the edges of the support panels and complementary support panel connector means 40, 42 provided on the inward-facing surface of the wall panels 12. At least one tensioning panel 34 or 94, (or any of 12), is associated with at least one wall panel 12.

**Claims 1-7 and 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Lanc '669.** Lanc discloses, Fig. 4A, a plurality of elongate vertically-extending wall panels 10 interconnected in edge-to-edge relationship *via* suitably configured elongate wall interconnection means 18, 14/16 along their longitudinal edges to define an outer perimeter wall of formwork assembly; and, a plurality of inner support panels 20 disposed within the wall and associated with the wall panels at selected suitable intervals *via* the co-operative interconnection of connector means provided along the edges of the support panels and complementary support panel connector means 16 provided on the inward-facing surface of the wall panels 10. At least one tensioning panel 30, (or any of 20), is associated with at least one wall panel 10.

### ***Response to Arguments***

Applicant's arguments filed November 28, 2008 have been fully considered but they are not persuasive. With respect to Applicant's argument against Lanc, the instantly rejected claims present a formwork per se with no positively recited orientation with respect to the ground surface. Language to "vertically elongate wall panels"

appears directed to intended assembly and, as such do not serve to read over the applied prior art. As well, Lanc does disclose "support panel connector means", (e.g., 16), "at a selected suitable regular interval" as is recited within claim 13,

Further, as is set forth in the above rejection involving Piccone, Piccone does disclose "vertically elongate wall panels interconnected in edge-to-edge relationship *via* suitably configured elongate wall interconnection means along their longitudinal edges".

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Safavi whose telephone number is (571) 272-7046. The examiner can normally be reached on Mon.-Fri., 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Safavi/  
Primary Examiner, Art Unit 3637

M. Safavi  
February 17, 2009